

UNITED STATES DISTRICT COURT

District of Minnesota

LAURINDA RAE ROWAN-LEE

Plaintiff,

vs.

COMPLAINT

CAROL RENN, in her official capacity,
Dakota County Court Administrator,

Defendant.

Plaintiff Laurinda Rae Rowan-Lee, by and through her attorney, Legal Assistance to Minnesota Prisoners (LAMP), for her complaint states and alleges as follows:

PRELIMINARY STATEMENT

1. This is a civil rights action pursuant to 42 U.S.C. § 1983 for legal and equitable relief against Carol Renn, Dakota County Court Administrator.
2. Defendant or agents wrongfully took Plaintiff's bail monies without notice and applied them to outstanding warrant fees. This action deprived Plaintiff of her constitutional right to Due Process of law pursuant to the 14th amendment of the U.S. Constitution and Minn. Stat. § 629.53.

PARTIES

3. Plaintiff LAURINDA RAE ROWAN-LEE is a citizen of the State of Minnesota. She is currently residing in Burnsville, Minnesota.

4. Defendant CAROL RENN is the Dakota County Court Administrator and is

responsible for establishing and assessing fees.

JURISDICTION AND VENUE

5. All of Defendant's actions complained of herein were carried out as a state actor under the color of state law.

6. This action is brought under 42 U.S.C. §1983, the United States Constitution, and Minn. Stat. § 555.01.

7. Jurisdiction is proper pursuant to 28 U.S.C. §1343.

8. Venue is proper pursuant to 28 U.S.C. §1391.

FACTUAL ALLEGATIONS

9. On March 11, 2008 Plaintiff posted \$300.00 in bail monies in connection with *State v. Rowan-Lee*, Dakota County file #KX-02-3392. Plaintiff was subsequently convicted on February 11, 2009, and committed to the Department of Corrections on February 17, 2009.

10. On February 26, 2009, Plaintiff requested that Defendant return the bail monies deposited on her behalf.

11. On March 3, 2009, Defendant notified Plaintiff that her bail monies had been applied to \$278.00 in "open fine amounts" arising from file number KX-02-3392.

12. After Plaintiff pointed out that she was entitled to have her \$300.00 cash bail returned to her at the end of the case, she was informed that her bail monies had been applied to \$250.00 in "miscellaneous service fees" incurred as a result of the issuance of five warrants, citing Minn. Stat. § 487.31 subd. 2.

CAUSE OF ACTION

Count I: Violation of the United States Constitution Amendment XIV.

13. Based on the above factual allegations, Defendant, acting under color of state law, through her direct actions and/or through the formulation and implementation of policies or practices, violated Plaintiff's rights under the Fourteenth Amendment's Due Process clause. Plaintiff has a property interest in her bail monies. Defendant took that property without providing Plaintiff with any process whatsoever. By doing so, Defendant violated Plaintiff's right to due process of law under the 14th amendment.

Claim II: Violation of Minn. Stat. § 629.53

14. By applying the Plaintiff's bail money to "miscellaneous service fees" rather than to a fine or restitution, Defendant violated Minn. Stat. § 629.53, which provides, "In case of conviction, the judge may order the money bail deposit to be applied to any fine or restitution imposed on the defendant by the court."

INJURY SUFFERED

15. Defendant wrongfully took Plaintiff's \$300.00 in bail monies without authority or proper notice.

RELIEF REQUESTED

For all the foregoing reasons, Plaintiff requests that the Court grant the following relief:

- A. An order compelling Defendant to return Plaintiff's bail monies.
- B. An order declaring that Defendant violated Plaintiff's rights under the due process clause under the 14th amendment of the United States Constitution.
- C. An order declaring that Defendant violated Plaintiff's rights under Minn. Stat. § 629.53 by taking Plaintiff's bail monies to pay warrant fees.
- D. An order awarding Defendant to pay Plaintiff's reasonable attorney's fees and costs pursuant to title 42, section 1988 of the United States Code.

E. Any other relief the Court deems just and proper under the circumstances.

Dated: December 13, 2010

LEGAL ASSISTANCE TO MINNESOTA PRISONERS

By:___/s/ Bradford Colbert_____
Bradford Colbert
Attorney Reg. No. 166790

___/s/ Jennifer Funke_____
Jennifer Funke
Student Attorney, LAMP
875 Summit Ave., Room 254
St. Paul, MN 55105
(651) 290-6413

ATTORNEYS FOR PLAINTIFF